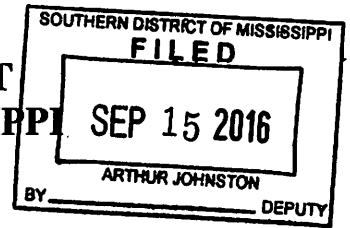


**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**



DOUGLAS HANDSHOE )

v. )

CIVIL ACTION NO. 1:15cv382-HSO-JCG

VAUGHN PERRET, CHARLES LEARY & )  
DANIEL ABEL, D/B/A/ TROUT )  
POINT LODGE LTD OF NOVA SCOTIA )  
& IN THEIR INDIVIDUAL CAPACITIES )  
PROGRESS MEDIA GROUP LIMITED, )  
MARILYN SMULDERS, TORSTAR )  
CORPORATION, NATIONAL )  
GEOGRAPHIC SOCIETY INC., & THE )  
ASHOKA FOUNDATION )

**PLAINTIFF'S REPLY TO DEFENDANT TORSTAR'S MOTION TO DISMISS**

**COMES NOW INTO COURT**, Plaintiff Douglas Handshoe, in his individual capacity and as Publisher of Slabbed New Media, LLC and submits this reply to Defendant Torstar's Motion to Dismiss (ECF Nos. 64 and 65).

**BACKGROUND**

Plaintiff, in his capacity as Publisher of Slabbed New Media has been targeted on multiple occasions by DMCA Takedown Notices issued by the Defendants and related smear campaign in the Canadian media, including creative works owned by third parties related to the overall controversy that have been the subject of multiple DMCA Takedown Notices sent by the Trout Point Defendants, who swore in those Takedown Notices under penalty of perjury:<sup>1</sup>

I swear, under penalty of perjury, that the information in the notification is accurate and **that I am the copyright owner or am authorized to act on behalf of the owner** of an exclusive right that is allegedly infringed.

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<sup>1</sup> Please see ECF No. 64-1, Page 2, for such an example.

The Toronto Star includes and has included this language on its website at all times relevant to this matter at URI <https://www.thestar.com/about/terms.html>:

The Toronto Star Properties, Services, and Paid Services and all content made available thereon ( "Content" ) are the property of the Toronto Star or its licensors and are protected, without limitation, pursuant to Canadian and foreign copyright, trademark and other laws.

On behalf of Torstar and contained at Defendant's Exhibit at ECF No. 64-4, Editor Kathy English has sworn under the penalty of perjury:

Torstar Corporation has not authorized any other person or entity to issue any takedown notices on its behalf as to any material, images or publications posted by Slabbed New Media, L.L.C. or Mr. Douglas Handshoe. Torstar Corporation has not conspired with any other person or entity to issue any takedown notices associated with material, images, or publications posted by Slabbed New Media L.L.C. or Mr. Douglas Handshoe.

Plaintiff accepts Ms. English's sworn affidavit that Defendant Torstar in fact did not authorize the submission of any of the Takedown Notices sent by the Trout Point Defendants over Torstar's creative content including exclusive rights owned by Torstar at the time of the original publications and subsequent fair use of elements of same by Publisher Handshoe and Slabbed New Media, LLC. As such, Plaintiff does not oppose the dismissal of Torstar from this matter.

Respectfully submitted this 15th day of September, 2016,



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Douglas Handshoe  
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earning04@gmail.com

**CERTIFICATE OF SERVICE**

I, Douglas Handshoe, hereby certify that on September 15, 2016, the foregoing was sent for electronically filing by me via the Clerk of the Court using the ECF system which sent notification to all counsel of record upon filing by the Clerk.

Respectfully submitted this 15<sup>th</sup> day of September, 2016,



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